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OLSON, BZDOK & HOWARD

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April 15, 2014

Freedom of Information Officer  
U.S. EPA Region 5 (MI-9J)  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

**Via 1<sup>st</sup> Class Mail &  
Email to: [r5foia@epa.gov](mailto:r5foia@epa.gov)**

RE: Freedom of Information Act Request  
Severstal Dearborn, LLC Facility  
Wayne County, Michigan

**PUBLIC  
INTEREST  
LAWYERS**

Dear FOIA Officer:

We submit this request for documents under the Freedom of Information Act (FOIA). As described below, we seek documents related to the Severstal Dearborn, LLC, facility, located in Wayne County, Michigan, State Registration No. A8640, and the facility's history of compliance with the Clean Air Act and permits issued thereunder.

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**A. Requesters:**

We represent, and this Request is made on behalf of, multiple individuals who live in South Dearborn, in the shadow of the Severstal facility, including Mohammed O. Ahmed, Moshin Alrattyashi, Abdo N. Bapacker, Hajerah Elgahmi, Yahya Elgahmi, Siham Kirdy, Ahmed Mohamed, Al Nasir, Anisa Nasser, Anwar Saeed, Mohamed A. Saleh, Saleh Shuhait. We also represent, and this Request is made on behalf of, the South Dearborn Environmental Improvement Association ("SDEIA"), which is a Michigan non-profit corporation formed by residents of the South End neighborhood of Dearborn to assist in representing the residents of that community in their ongoing efforts to improve its environment and public health.

**B. Documents Requested:**

We request the following documents:

1. All non-attorney-client-privileged documents related to each judicial Complaint or Petition (or other document to initiate a lawsuit) filed by EPA against Severstal since January 1, 2010, under 42 U.S.C. § 7413(c), to enforce emission standards or levels in Severstal's Title V permit (Renewable Operating Permit No. 199700004, effective October 18, 2004), Severstal's Title I permit (Permit to Install No. 182-05B), or any other Clean Air Act requirement to which Severstal is subject.

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2. All non-attorney-client-privileged documents, including emails, staff reports, and correspondence sent and received, related to each judicial Consent Decree, Consent Order, Agreed Order, Agreed Judgment, or other enforceable agreement (or other document to terminate a lawsuit) entered between EPA and Severstal since January 1, 2010, under 42 U.S.C. § 7413(c), to resolve alleged violations of emission standards or levels in Severstal's Title V permit (Renewable Operating Permit No. 199700004, effective October 18, 2004), Severstal's Title I permit (Permit to Install No. 182-05B), or to resolve any other alleged violation of any other Clean Air Act requirement to which Severstal is subject.
3. All documents, including emails, staff reports, and correspondence sent and received, related to each administrative Agreed Order on Consent, Consent Decree, Consent Order, Agreed Order, or other enforceable agreement entered between EPA and Severstal since January 1, 2010, under 42 U.S.C. § 7413(a) or (d), to resolve violations of emission standards or levels in Severstal's Title V permit (Renewable Operating Permit No. 199700004, effective October 18, 2004), Severstal's Title I permit (Permit to install No. 182-05B), or to resolve any other alleged violation of any other Clean Air Act requirement to which Severstal is subject.
4. All documents, including reports, data, and correspondence, submitted by Severstal in response to EPA Region 5's May 4, 2012, Request for Information Pursuant to Clean Air Act § 114(a).
5. All documents, including emails, staff reports, and correspondence sent and received, related to each Notice of Violation and Finding of Violation sent from EPA Region 5 to Severstal, including without limit the following Notices of Violation:
  - a. June 15, 2012 (EPA-5-12-M1-05); and
  - b. March 5, 2013 (EPA-5-13-M1-06).
6. All disproportionate impact analyses, reports, screenings, modeling, other "environmental justice" assessment or consideration, and all documents related to such analyses, undertaken by EPA pursuant to Executive Order No. Executive Order 12898, 59 Fed Reg 7,629 (Feb 16, 1994), related to the Severstal facility since January 1, 2010.

**C. Transmittal of Requested Documents:**

We prefer to receive documents electronically, but will accept printouts where that is more efficient or cost-effective. Please provide the responsive documents as follows:

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Olson, Bzdok & Howard, P.C.  
Attn: Ruth Ann Liebzeit, Legal Assistant  
420 E. Front Street  
Traverse City, MI 49686  
Email: [ruthann@envlaw.com](mailto:ruthann@envlaw.com)

**D. Request for Fee Waiver:**

We request any fees associated with this Request be waived because the disclosure of the requested information is in the public interest. Specifically, detailed information related to Severstal's history of compliance with the Clean Air Act, and the regulatory response to that compliance history, is likely to contribute significantly to the community's understanding of the operations and activities of both the government and the facility.

The Requestors live in one of the most polluted areas of Michigan. The Dearborn Air Quality monitor, which is located in the parking lot of the Salina school in the heart of the South End neighborhood, regularly registers the highest PM2.5 levels in Michigan.<sup>1</sup> In 2012, that monitor measured an annual concentration of PM2.5 that was higher than any other place in the state, and which is only below the EPA's current NAAQS for PM2.5 by a nearly immeasurable fraction. The Dearborn monitor also shows the neighborhood has some of the highest manganese levels nationwide:

The highest annual average concentrations [of manganese] have been measured at the South Delray and Dearborn sites. Although levels at South Delray and Dearborn have dropped since 2003, they remain consistently above the health protective benchmark level, higher than other Michigan sites, and some of the highest values measured within Region 5 and across the U.S. (USEPA, 2008) The reason for the increase between 2009 and 2010 is discussed later and is linked to changes in the steel industry.<sup>2</sup>

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<sup>1</sup> MDEQ PM2.5 Annual Data Summary (updated 10/1/2013), available at: [http://www.michigan.gov/documents/deq/DEQ-AQD-PM25\\_summary\\_291638\\_7.pdf?20140327151952](http://www.michigan.gov/documents/deq/DEQ-AQD-PM25_summary_291638_7.pdf?20140327151952) (last viewed April 11, 2014); and

MDEQ PM2.5 24-hour Data Summary (updated 10/1/2013), available at: [http://www.michigan.gov/documents/deq/deq-aqd-amu-monitoring-pm25-24hr-summary\\_403178\\_7.pdf?20140327151952](http://www.michigan.gov/documents/deq/deq-aqd-amu-monitoring-pm25-24hr-summary_403178_7.pdf?20140327151952) (last viewed April 11, 2014).

<sup>2</sup> *Ambient Air Levels of Manganese in Southeast Michigan: Evaluation and Recommendations by the AQD Manganese Workgroup*, p. 15, 18 (DEQ, March 27, 2012), available at: [http://www.michigan.gov/documents/deq/deq-aqd-aqe-monitoring-Mn-Report-Michigan-Sept-8-2011\\_402342\\_7.pdf?20140327151952](http://www.michigan.gov/documents/deq/deq-aqd-aqe-monitoring-Mn-Report-Michigan-Sept-8-2011_402342_7.pdf?20140327151952) (last viewed April 11, 2014).

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As the Michigan Department of Environmental Quality (MDEQ) has recognized, “[t]he primary source contributor on high manganese days at the Dearborn site was Severstal.”<sup>3</sup> Studies underway indicate there may be disproportionately high asthma and other health concerns in the neighborhood, which may be attributable to local environmental conditions.<sup>4</sup>

Given the degraded local air quality in the community, the recognized connection between this air quality and the Severstal facility, and the potential health impacts to the community, it is in the public interest to provide the Requesters with the information related to Severstal’s air emissions. In particular, EPA documentation related to Severstal’s compliance history informs the Requesters of the nature and extent of Severstal’s emissions, which impact their community, property, and persons. The Requesters have no commercial interest in the information sought.

While the information sought is of keen interest to the Requesters, Severstal’s historic air emissions, compliance with applicable permit limits, and regulatory oversight of the facility, are subjects of interest to a broad audience, and have been the topic of much press coverage and public dialogue.<sup>5</sup>

Because the public interest in the documents sought is substantial, we request any fees for this Request be waived. Alternatively, if we have not provided sufficient information to make such a determination, please let us know so that we may supplement this request or respond to your questions about the public interest nature of this Request.

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<sup>3</sup> *Id.* at p. 18.

<sup>4</sup> See *Air Pollution in Dearborn-Detroit area linked to higher asthma rates* (The Arab American News, Aug. 13, 2013), available at: [http://www.arabamericannews.com/news/news/id\\_4594](http://www.arabamericannews.com/news/news/id_4594) (last viewed April 11, 2014); *Health Disparities Between Arab and Chaldean Americans in Southeast Michigan and Michigan Residents: Differences in Access to Health Providers and Insurance*, Harry Perlstadt, Stephen Gasteyer, Rosina Hassoun, Stephanie Nawyn, Miles McNall, and Hiam Hamade (ACCESS Health Journal, Fall 2013), available at: <https://www.accesscommunity.org/sites/default/files/documents/access-6thhealthjournalproceedings3.pdf> (last viewed April 11, 2014); and *A First Look at Chronic Diseases and Lifestyle Behaviors Among Arab and Chaldean Americans in Southeast Michigan*, Rosina Hassoun, Elizabeth Hughes, Mona Farroukh, Miles McNall, and Karen Patricia Williams (ACCESS Health Journal, Fall 2013), available at: <https://www.accesscommunity.org/sites/default/files/documents/access-6thhealthjournalproceedings3.pdf> (last viewed April 11, 2014).

<sup>5</sup> See, e.g., *Residents: Public health more important than jobs*, (Dearborn Press & Guide, March 24, 2014), available at: <http://www.pressandguide.com/articles/2014/03/24/news/doc533024dc64cf0555526050.txt> (last viewed April 11, 2014); *Dearborn steel plant may be allowed to release higher levels of toxins* (Detroit Free Press, March 11, 2014), available at: <http://www.freep.com/article/20140311/NEWS02/303110023/Severstal-Dearborn-toxin-levels> (last viewed April 11, 2014); and *Dearborn steel plant may be allowed to release higher levels of toxins* (MLive, March 11, 2014), available at: [http://www.mlive.com/business/detroit/index.ssf/2014/03/russian\\_steelmaker\\_severstal\\_m.html](http://www.mlive.com/business/detroit/index.ssf/2014/03/russian_steelmaker_severstal_m.html) (last viewed April 11, 2014).

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We appreciate your consideration. If you have any questions, or to discuss this Request, please contact Ruth Ann Liebzeit, at (231) 922-0044. Thank you in advance.

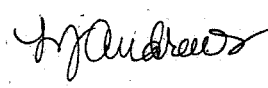
Sincerely,



Christopher M. Bzdok



Emerson Hilton



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Co-Counsel